



Agenda Date: 11/9/04

Agenda Item: IIIA

STATE OF NEW JERSEY

Board of Public Utilities

Two Gateway Center

Newark, NJ 07102

www.bpu.state.nj.us

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF COMCAST)	<u>AUTOMATIC RENEWAL</u>
OF PLAINFIELD, LLC FOR A RENEWAL)	<u>CERTIFICATE OF APPROVAL</u>
CERTIFICATE OF APPROVAL TO CONTINUE)	
TO CONSTRUCT, OPERATE AND MAINTAIN A)	
CABLE TELEVISION SYSTEM AND CABLE)	
COMMUNICATIONS SYSTEM IN AND FOR THE)	
BOROUGH OF NORTH PLAINFIELD, COUNTY OF)	
SOMERSET, STATE OF NEW JERSEY)	DOCKET NO. CE04080875

SERVICE LIST ATTACHED

BY THE BOARD:

On January 17, 1980, the Board granted Plainfield Cablevision, Inc., a wholly owned subsidiary of Storer Cable Communications, Inc. ("Storer") a Certificate of Approval in Docket No. 797C-6507, for the construction, operation and maintenance of a cable television system in the Borough of North Plainfield ("Borough"). As part of an internal corporate reorganization approved by the Board in Docket No. CM88060717 on June 17, 1988, Plainfield Cablevision, Inc. informed the Board's Office of Cable Television that it would be known as Storer Cable Communications of the Plainfields, Inc. d/b/a Storer Cable Communications ("Storer Plainfield"). On April 13, 1989, the Board granted Storer Plainfield a Renewal Certificate of Approval for the Borough in Docket No. CE88101182 for a term of fifteen years with an automatic renewal of ten years. On November 30, 1992, in Docket No. CM92080843, the Board approved the petition of Comcast Cablevision (a 50% shareholder of the Certificate) and Storer Plainfield to transfer all assets to Comcast Cablevision, Inc. On June 27, 1994, Storer Plainfield notified the Board's Office of Cable Television that it would be known as Comcast Cablevision of Plainfields, Inc. ("Comcast Plainfields"). On January 24, 2003, Comcast Plainfields notified the Board that it would operate as a limited liability company, Comcast Cablevision of Plainfields, LLC ("Comcast Plainfield LLC"). On September 9, 2003, Comcast Plainfield LLC notified the Board that it would be known as Comcast of Plainfield, LLC ("Petitioner"). Although the Petitioner's above referenced Certificate expired on January 17, 2000, it was authorized to continue to provide cable television service to the Borough pursuant to N.J.S.A. 48:5A-25, pending disposition of proceedings regarding the renewal of its Certificate of Approval. Petitioner now seeks automatic renewal of its certificate pursuant to the terms of its municipal consent and N.J.S.A. 48:5A-19.

On August 19, 2004, the Petitioner filed with the Board for Automatic Renewal of its Certificate of Approval for the Borough, pursuant to N.J.S.A. 48:5A-16, -19 and 25 and N.J.A.C. 14:17-6.9 and 14:18-13.6. The record indicates that even though the Petitioner had an automatic renewal term under its current franchise, it had filed an application for the renewal of its municipal consent with the Borough on April 16, 1999, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Borough held a public hearing but did not take any action to adopt an ordinance granting renewal municipal consent or to pass a resolution denying the franchise to the Petitioner. The Petitioner notified the Borough on several occasions that it would file with the Board to invoke the automatic renewal provision of its franchise unless the Borough acted. On June 29, 2004, the Petitioner sent a letter notifying the Borough that it would file for the automatic renewal. The Borough sent a letter to the Office of Cable Television on September 15, 2004 stating that it had no concerns or objections to the automatic renewal being issued to the Petitioner.

Under N.J.S.A. 48:5A-19, when the municipal consent provides for automatic renewal, a cable television company is entitled to automatic reissuance by the Board of its Certificate absent forfeiture by violation of the provisions of the Cable Television Act, N.J.A.C. 48:5A et seq. and the regulations issued pursuant thereto, or by violation of the terms of the municipal consent. The Board has reviewed the petition for an Automatic Renewal Certificate of Approval and the Application filed therein by the Petitioner. Based upon this review and the recommendation of the Office of Cable Television, the Board **HEREBY FINDS** the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Certificate of Approval. Further, the Borough reviewed these qualifications in conjunction with the previous municipal consent process, and has no objections to Petitioner's continued performance under the municipal consent.
2. The design and technical specifications of the system will ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period for the automatic renewal as stated in the ordinance is ten years, pursuant to N.J.S.A. 48:5A-19, N.J.S.A. 48:5A-25, and N.J.A.C. 14:18-13.6. The Board finds this period to be of reasonable duration.
5. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates and promptly file any revisions thereto.
6. Pursuant to statutory requirements, the ordinance specifies a complaint officer to receive and act upon complaints filed by subscribers in the Borough. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with the applicable rules.

7. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. Currently, the local office serving this provision is located at 73 Rock Avenue, Plainfield, New Jersey.
8. The franchise fee to be paid to the Borough is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Borough. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
9. The Petitioner has stated that service is currently available in all areas of the franchise territory; however, if circumstances warrant, the Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate. The minimum homes per mile figure is 35.
10. The Petitioner shall provide public, educational and governmental ("PEG") access channels and facilities in accordance with its application. Specifically, the Petitioner shall continue to provide residents with the system-wide public access channel maintained by the Petitioner. Qualified individuals and organizations may utilize the public access studio for the purpose of cablecasting non-commercial access programming in conformance with the Petitioner's published public access rules.

Based upon these findings, the Board **HEREBY CONCLUDES**, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has the municipal consent necessary to support the petition, that such consent and issuance thereof are in conformity with the requirements of N.J.S.A. 48:5A-1 et seq., that the Petitioner has complied or is ready, willing and able to comply with all applicable rules and regulations imposed by or pursuant to State or federal law as preconditions for engaging in the proposed cable television operations, that the Petitioner has sufficient financial and technical capacity, meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment, and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is **HEREBY ISSUED** this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Borough effective for a period of ten (10) years from the expiration of the previous term, January 17, 2000.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein. The Petitioner shall adhere to the standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. §76.1 et seq., including but not limited to, the technical standards 47 C.F.R. §76.601 through §76.630. Any modifications to the provisions thereof shall be incorporated into this Certificate.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

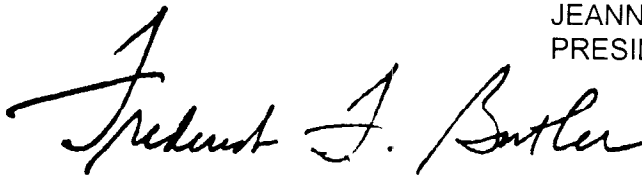
This Certificate shall expire on January 17, 2010.

DATED: 11/10/04

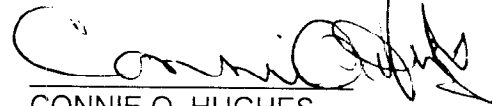
BOARD OF PUBLIC UTILITIES
BY:



JEANNE M. FOX
PRESIDENT



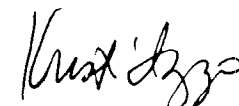
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COMMISSIONER

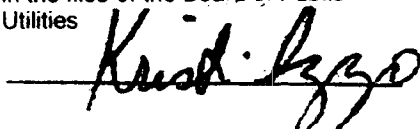

JACK ALTER
COMMISSIONER

ATTEST:



KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within
document is a true copy of the original
in the files of the Board of Public
Utilities



APPENDIX "I"
OFFICE OF CABLE TELEVISION
LINE EXTENSION POLICY

COMCAST OF PLAINFIELD, LLC
BOROUGH OF NORTH PLAINFIELD

A cable operator is required to absorb the cost of extensions to the system in the same proportion that the extension is to the remainder of the system.

Actual subscribers served by the extension are required to absorb the remainder of the cost.

If new subscribers are added to the extension the cost is adjusted and those who previously paid receive an appropriate rebate.

- | | | |
|--|---|---|
| 1. $\frac{\text{\# of homes in extension}}{\text{mileage of extension}}$ | = | homes per mile (HPM) of extension |
| 2. $\frac{\text{HPM of extension}}{\text{Minimum HPM that company actually constructs in the system *}}$ | = | ratio of the density of the extension to the minimum density which the company constructs in the system ("A") |
| 3. Total cost of building the extension times "A" | = | company's share of extension cost |
| 4. Total cost of building extension less company's share of extension cost | = | total amount to be recovered from subscribers |
| 5. $\frac{\text{Total amount to be recovered from subs}}{\text{Total subscribers in extension}}$ | = | each subscriber's share |

In any case, the company shall extend its plant along public rights of way to:

1. All residences and businesses within 150 aerial feet of the operator's existing plant at no cost beyond the normal installation rate.
2. All residences and businesses within 100 underground feet of the operator's plant at no cost beyond the normal installation rate.

* The minimum HPM that the company actually constructs in the system or municipality is the minimum number of homes that the company has historically constructed at its own cost. This is a function of the operator's break-even point and its rate of return. Unbuilt systems will use the primary service area rather than construction.

The operator's installation policies shall apply to construction beyond the public right of way.

Detailed accounting and/or financial information to support the minimum HPM shall be supplied to the Office for its approval in such form as required. The minimum HPM shall be updated as appropriate.

When a request for service is received, and unless good cause is shown, cable companies shall:

1. Provide a written estimate within 30 days of such a request.
2. Begin construction within 60 days of receipt of any deposit monies from potential subscribers.
3. Complete construction within six months of receipt of any deposit monies from potential subscribers.
4. Inform each home passed along the extension of the potential costs for subscribers.

Subscribers who pay for an extension shall be entitled to rebates in the following manner:

1. If the company acquires new subscribers subsequent to the initial calculation of step 5 above, the formula will be adjusted and those who have previously paid for the extension will be entitled to an appropriate rebate. In no event shall the amount of the rebate exceed the subscriber's contribution.
2. The company shall keep accurate records of the cost of the extension, the amounts paid by subscribers and any appropriate adjustments.
3. The company shall notify subscribers in the extension of their rights and responsibilities concerning the extension.
4. Once an individual dwelling has paid its share of the extension cost future reconnections or installations shall be made at the company's standard rates.
5. After a period of five years from the installation of the first dwelling unit in the extension no further adjustments shall be made. Installations after five years shall be at the company's standard rate.
6. Once a subscriber is installed, that person shall not normally be entitled to a refund of any monies paid for the installations, except in accordance with the rebate procedure outlined in this policy.

Definitions

Primary Service Area

The Primary Service Area (PSA) can be an entire municipality, but in many instances the PSA is a limited area within a community outside of which a line extension policy may apply. The PSA is depicted by a franchise map and narrative, presented and recorded during the franchise proceedings. It normally remains a fixed geographic area throughout the life of the franchise.

Line Extension Survey

Potential subscribers residing outside the PSA who request service are entitled to an estimate of their share of the cost to secure service. When conducting a survey and estimating costs, a cable company should factor in all potential subscribers who could practicably be included in the extension and give consideration to apparent residential construction in areas contiguous to the proposed extension.

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